

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JHAIRO GARCIA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:23-cv-00877-SAB

ORDER GRANTING STIPULATED
MOTION FOR AWARD OF ATTORNEY
FEES

ORDER DENYING PLAINTIFF’S MOTION
FOR ATTORNEY FEES AS MOOT

(ECF No. 20, 21)

Jhairo Garcia (“Plaintiff”) filed the complaint in this action on June 8, 2023. (ECF No. 1.) On December 19, 2023, the parties filed a stipulation for voluntary remand pursuant to 42 U.S.C. § 405(g). (ECF No. 17.) On December 20, 2023, the Court entered the parties’ stipulation, remanded the action for further proceedings, and entered judgment in favor of Plaintiff. (ECF Nos. 18, 19.)

On March 21, 2024, Plaintiff filed a motion for the award of attorney fees in the amount of \$8,897.89, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) (“EAJA”). (ECF No. 20.) On April 1, 2024, the parties filed a stipulation for the award of attorney fees in the amount of \$7,900.00 pursuant to the EAJA and costs in the amount of \$402.00 under 28. U.S.C. § 1920. (ECF No. 21.) The award is without prejudice to the rights of counsel to seek attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA. (Id.) Given the stipulation of the parties, the Court finds good cause to deny Plaintiff’s motion for attorney fees

as moot and grant the award of attorney fees and costs in the stipulated amount.¹

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for attorney fees pursuant to the EAJA filed on March 21, 2024 (ECF No. 20) is DENIED as moot; and
2. Pursuant to the stipulation filed April 1, 2024 (ECF No. 21), Plaintiff is awarded attorney fees under the EAJA in the amount of \$7,900.00 and costs in the amount of \$402.00 pursuant to 28. U.S.C. § 1920.

IT IS SO ORDERED.

Dated: **April 2, 2024**


UNITED STATES MAGISTRATE JUDGE

¹ The Court presumes the stipulated agreement for the award of attorney fees under the EAJA moots the need for the Court to consider the initially filed motion for EAJA fees, despite the difference in the stipulated amount versus the initial motion. The stipulated filing makes no mention of the initial motion, and Plaintiff may request reconsideration of this order if the stipulation was entered incorrectly, or otherwise.